



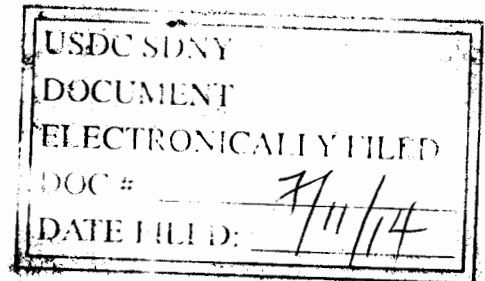
## U.S. Department of Justice

Antitrust Division

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July 11, 2014

BY FAXThe Honorable Victor Marrero  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007Re: *United States v. Brian Scott Zwerner*, 11 Cr. 293 (VM)

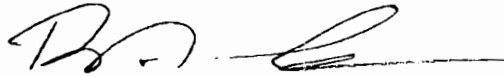
Dear Judge Marrero:

The Government respectfully submits this brief letter in response to Defendant Brian Scott Zwerner's ("Zwerner") sentencing memorandum filed on July 3, 2014. Zwerner is scheduled to be sentenced on July 25, 2014. In addition to this response, the Government intends to send the court a letter pursuant to United States Sentencing Guideline § 5k1.1 no later than July 18 that will detail the substantial assistance provided by Zwerner.

The Government's position on the appropriate guidelines calculation was submitted to the Probation Department and is included in the Draft Presentence Investigation Report received by the parties on June 19, 2014. The Government understands that this report will be submitted by the Probation Department to the Court no later than seven days prior to the sentencing. With respect to Zwerner's sentencing memorandum, the Government has one factual correction. In his memorandum, Zwerner says that only one (Alexander Wright) of the twelve related cooperating defendants "affirmatively settled his restitution obligations prior to sentencing," Def.'s Mem. 26. In addition to Wright, prior to being sentenced, Martin Kanefsky, paid \$250,000 in restitution pursuant to an agreement with a multistate working group that represented municipal victims harmed by the anticompetitive and fraudulent activity uncovered as part of the investigation.


Hon. Victor Marrero  
*United States v. Brian Scott Zwerner*, 11 Cr. 293 (VM)  
July 11, 2014

Respectfully submitted,



RICHARD A. POWERS  
REBECCA MEIKLEJOHN  
Trial Attorneys  
Antitrust Division

cc: Katya Jestin, Esq. (by email)

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by <u><i>the Government</i></u>	
SO ORDERED.	
<u><i>7-11-14</i></u> DATE	<u></u> VICTOR MARRERO, U.S.D.J.